

NOV-05-2004 16:18

513 241 6234

RECEIVED
CENTRAL FAX CENTER

NOV 05 2004

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPH
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT M. LUREN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPP
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRANTMAN
BEVERLY A. LYMAN, PH.D.

OF COUNSEL
JOHN D. POFFENBERGER
THOMAS W. FLYNN

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-8234
EMAIL: info@whepelton.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1938-1971

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERES
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI PH.D.
RANDALL S. JACKSON, JR.

TECHNICAL ADVISORS
HENRY M. LABODA PH.D.

November 5, 2004

FACSIMILE COVER SHEET

To: Examiner John M. Hotaling
Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Fax: 703-872-9306

Enclosures:
Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Transmittal containing Certificate of
Facsimile Transmission and Authorization
to Charge Deposit Account 23-3000 in the
amount of \$490.00 for the Three-Month
Extension of Time Fee (2 pages)
Amendment and Response containing
Certificate of Facsimile Transmission
(17 pages)

From: Douglas A. Scholer
Reg. No. 52,1973

Re: U.S. Patent Application
Serial No. 09/834,529
Filed: April 13, 2001
Applicant: Ach
Art Unit: 3713
Confirmation No.: 4021
Our Ref: LOTC/32

Pages: 20 (including cover sheet)

MESSAGE/COMMENTS
OFFICIAL

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (20 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner John M. Hotaling, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on November 5, 2004.

Judith L. Volk
Judith L. Volk

November 5, 2004

Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

4. Attached is a check in the sum of \$ _____ for additional claims.
 Please charge my Deposit Account No. 23-3000 in the amount of \$ _____.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 430.00	\$ 215.00
<input checked="" type="checkbox"/> three months	\$ 980.00	\$ 490.00
<input type="checkbox"/> four months	\$1,530.00	\$ 765.00
<input type="checkbox"/> five months	\$2,080.00	\$1,045.00

Extension fee due with this request: \$ 490.00

Method of Payment: Charge Deposit Account 23-3000 in the amount of \$ 490.00

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$ _____.

OR

(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:


 Douglas A. Scholer
 Reg. No. 52,197

2700 Carew Tower
 441 Vine Street
 Cincinnati, Ohio 45202-2917
 Telephone: (513) 241-2324
 Facsimile: (513) 241-6234

Enclosed:

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)
 Transmittal containing Certificate of Facsimile Transmission and Authorization to Charge Deposit Account 23-3000 in the amount of \$490.00 for the Three-Month Extension of Time Fee (2 pages)
 Amendment and Response containing Certificate of Facsimile Transmission (17 pages)

Page 2 of 2
 Serial No. 09/834,529
 Transmittal for Amendment of November 5, 2004
 WHE&P, OTC/OT